REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 12, 14-16, 18, and 20-22 are currently pending, Claims 12, 20, 21, and 22 having been amended, and Claim 23 having been canceled. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on previously presented Claim 23 and page 6, lines 15-27.

In the outstanding Office Action, Claims 12-14 and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mostafa (U.S. Pub. No. 2002/0073205) in view of Vitikainen et al. (U.S. Pub. No. 2003/0065802, hereafter "Vitikainen"), Wantanabe (U.S. Pub. No. 2002/0095683), Richardson et al. (U.S. Pub No. 2005/0021806, hereafter "Richardson"), Jason, Jr. et al. (U.S. Patent No. 6,728,243, hereafter "Jason"), and Inoha (U.S. Patent No. 6,889,327); and Claims 15-16 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason, Inoha, and Cooper (U.S. Pub. No. 2004/0003399).

With respect to the rejection of Claim 12 under 35 U.S.C. §103(a), Applicants respectfully traverse this ground of rejection in part and further submit that the present clarifying amendment to Claim 12 overcomes this ground of rejection. Amended Claim 12 recites, *inter alia*,

> wherein the high prioritized data are transmitted via MMS and the low prioritized data are transmitted via streaming, and before a streaming service is initialized, an MMS notification message is initially transmitted to the terminal, the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay, and the MMS notification message which includes the buffer data being sent to the

terminal prior to the user of the terminal requesting to start a streaming session for receiving the video data.

Applicants submit that the applied art fails to disclose or suggest at least these features of amended Claim 12.

As previously presented, primary reference Mostafa is directed to a communication service in which an MMS notification is sent to a receiving terminal prior to a terminal downloading media from a media server. Fig. 2 of Mostafa shows a system 20 which includes a communication server which includes a media server 22 and a MMS server 23. Mostafa describes a three phase process of streaming information to the receiving terminal. During phase 1, a sender 21 establishes a streaming session with media server 22 and uploads media content to the server (see para. [0103]). During phase 2, a notification is sent via the MMS server 23 to receiver 24 which indicates that the media content is stored on media server 22 (see para. [0104]). During phase 3, the receiver 24 establishes a streaming session with media server 22 based on information in the notification message and the receiver starts to download and play the media (see para. [0105]).

The Office Action acknowledges that Mostafa fails to disclose or suggest "the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay," as recited in Claim 12.

Applicants note that the examiner relies on newly cited Vitikainen to disclose an MMS notification message including buffer data which has initial streaming video data that can be stored on the terminal prior to a user of the terminal starting a streaming service (see Office Action, at page 4). The examiner relies on newly cited Wantanabe to disclose video data that can be stored on the terminal such that the streaming client can start streaming of buffer data without delay (see Office Action, at page 5). The examiner also relies on newly

cited Inoha to disclose I frames being extracted from a video signal for the purpose of sending a preview of video content to a user (see Office action, at page 6).

Vitikainen describes a creating a sample of multimedia content as a preview for a mobile terminal and sending the preview to the mobile terminal (see para. [0046]). Vitikainen describes that the mobile terminal sends a preview signal to a server which causes generation of the preview (i.e., the mobile terminal requests a preview). Alternatively, a messaging service can deliver a preview notification to a mobile terminal using MMS (see para. [0046] and [0068]). However, while Vitikainen uses MMS for ***notification*** of a preview which may include downloading options (see para. [0065]), Vitikainen does not actually disclose having an MMS notification message ***which includes buffer data which has initial streaming video data that can be stored on the terminal*** prior to a user of the terminal starting a streaming service as asserted in the Office Action.

Wantanabe describes a distribution system 1 shown in Fig. 1, in which a transmitting apparatus 3 has a first storage device and a receiving apparatus 4 has a second storage device. If a streaming content stored in the first storage device is updated, the system distributes about 15 minutes of the streaming content that is newly recorded to the second storage device (see para. [0055]). However, Wantanabe also fails to explicitly disclose using an MMS notification message which includes buffer data which has initial streaming video data.

Inoha describes that in response to a playback request for video data from a user, using only the I-frames of a video content to send a preview video stream to the user (see col. 1, , lines 41-53). However, Inoha also fails to disclose using an MMS notification message which includes buffer data which has initial streaming video data.

Therefore, Applicants submit that neither of Vitikainen, Wantanabe, and Inoha discloses or suggests "the MMS notification message includes buffer data and information about the data flow, the buffer data being initial streaming video data that can be stored on

the terminal prior to a user of the terminal starting a streaming service such that the streaming client can start streaming of buffer data without delay," as recited in Claim 12.

Furthermore, amended Claim 12 clarifies that "***the MMS notification message which includes the buffer data being sent to the terminal prior to the user of the terminal requesting to start a streaming session for receiving the video data***," which is similar to the subject matter previously recited in dependent Claim 23.

With regard to previous Claim 23, the Office Action had taken the position that Mostafa discloses the MMS notification message being sent to the terminal prior to the user requesting to start a streaming session for receiving the video data (see Office Action, at page 7, citing to paragraph [0098] and [0107] of Mostafa). However, Mostafa only discloses an ordinary MMS notification message being sent to the terminal. As acknowledged by the examiner, this MMS notification message does not include the "buffer data" defined in Claim 12.

Therefore, Applicants emphasize that Mostafa still does not disclose at all sending the ***buffer data*** included in the MMS notification message to the terminal prior to the user of the terminal requesting to start a streaming session for receiving the video data, as is now clarified in amended Claim 12.

Thus, Applicants submit that Mostafa in view of Vitikainen, Wantanabe, Richardson, Jason, Inoha does not disclose or suggest "***the MMS notification message which includes the buffer data being sent to the terminal prior to the user of the terminal requesting to start a streaming session for receiving the video data***," as recited in amended Claim 12.

Therefore, Applicants emphasize that none of the applied art references discloses or suggests using an MMS notification message to include buffer data which is initial streaming video to be stored on the terminal, and sending such an MMS notification having the buffer data to the terminal before the user of the terminal even requests to start streaming the video.

Cooper has also been considered been considered but fails to remedy the deficiencies of Mostafa, Vitikainen, Wantanabe, Richardson, Jason, and Inoha with regard to amended Claim 12.

Thus, Applicants respectfully submit that amended Claim 12 (and all associated dependent claims) patentably distinguishes over Mostafa, Vitikainen, Wantanabe, Richardson, Jason, Inoha, and Cooper, either alone or in proper combination.

Amended independent Claims 20-22 recite features similar to those of amended Claim 12 discussed above. Therefore, Applicants respectfully submit that amended Claims 20-22 patentably distinguish over Mostafa, Vitikainen, Wantanabe, Richardson, Jason, Inoha, and Cooper, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested. Furthermore, the examiner is kindly invited to contact the Applicants' undersigned representative at the phone number below to resolve any outstanding issues.

Respectfully submitted,

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